

230725

From: Terry McAdams
To: Fowler, Gene
Date: 7/10/2007 11:35:45 AM
Subject: Re: Unimatic Delineation Standard

Hi Gene,

I briefly reviewed the Unimatic RIWP. I may be able to complete the entire review before I go on vacation next week, but if not, I'm offering the following general comments that pertain to some, but not all, of the open AOCs at the site.

My general concern in reviewing the latest RIWP is Unimatic's insistence on using the IGWSCC as a remediation standard and a delineation standard. Their argument for doing this is on page 9 of the RIWP, under the heading "NOD Section IV.C.4 (p/ 10)."

Essentially, they're saying we approved using the IGWSCC for a remediation standard, which then makes the IGWSCC the applicable restricted use standard and, according to 4.1(b), becomes the delineation standard. My comments are:

We told them to get EPA approval for using the IGWSCC as a remediation standard. They have yet to do so, as they reportedly have to complete delineation before doing so.

2. The required vertical and horizontal delineation standard for soils within the boundaries this site is currently the RDCSCC of .49 ppm. If Unimatic institutes a Deed Notice and Deed Restriction (and attests to the same via affidavit) that limit all future uses of the site to non-residential uses, then, according to 4.1(b), the delineation standard would be NRDCSCC or IGWSCC, whichever is lower (in this case the NRDCSCC of 2 ppm). I stress that EPA may approve a remediation standard, but the NJDEP still has a regulatory concern about the future use of the site in regards to direct human contact with the PCBs in the site soils. Hence, our insistence on horizontal and vertical delineation of soils within the boundaries of the site to either the unrestricted standard of the RDCSCC, or the restricted use standard of the NRDCSCC. Of course, all off-site soils delineation shall be to the RDCSCC.

Therefore, it is my intention to at least cite Unimatic for a deficiency for failure to delineate as required by 4.1(b) - a minor violation. However, if you wish, we could alternatively cite them for failure to conduct a remedial investigation of soil at a contaminated site, as required by 4.3(a) - a non-minor violation. This more serious violation may be in order as a response to Unimatic's continued reluctance to fully delineate the soils contamination at this site. Kindly advise me of your preference on this point.

As I proceed through the review, I'll let you know of any other significant problems/deficiencies.

terry

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